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Attorneys for Defendants
 Woodbine Alaska Fish Company,
 and Guy Ferrari Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

CITICAPITAL COMMERCIAL CORP,)
)
 Plaintiff,)

v.)

EGEGIK SPIRIT, official number 2999957,)
 her equipment, gear, furniture, apparel,)
 fixtures, tackle, boats, machinery, anchors)
 and all appurtenances, in rem;)
 NAKNEK SPIRIT, official number 585824,)
 her equipment, gear, furniture, apparel,)
 fixtures, tackle, boats, machinery, anchors)
 and all appurtenances, in rem;)
 WOODBINE ALASKA FISH CO.,)
in personam; and GUY FERRARI, INC,)
in personam.)

Defendants,)

Case No. A-04-0147 CI
IN ADMIRALTY

DECLARATION IN SUPPORT
OF APPLICATION FOR
CLERK'S ENTRY OF DEFAULT

BIRNBERG &
 ASSOCIATES
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 CA, 94103
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1 I, Cory Birnberg, declare as follows.

2 1. I am an attorney at law licensed to practice in the state of California, before
3 all federal district courts in the State of California and have practiced pro hac vice in the
4 State of Alaska and am admitted pro hac vice before this Court in this matter. I make this
5 declaration upon my own personal knowledge as to those facts stated upon information and
6 belief, I believe them to be true.
7

8 2. Counterclaimants WOODBINE ALASKA FISH COMPANY and GUY
9 FERRARI INC. request that the Clerk of this Court enter the default of CITICAPITAL
10 COMMERCIAL CORP. on the First Amended Counterclaim for failure to plead or
11 otherwise defend in a timely manner, as provided by Rule 55 (a) of the Federal Rules of
12 Civil Procedure.
13

14 3. Pursuant to this Court's order on March 28, 2006, Defendants herein filed
15 their First Amended Counterclaim on April 18, 2006 through the Court's ECF/efiling
16 system. Plaintiff was served through the court's electronic filing system and, pursuant to
17 Local Rule 5.3(c)(2), has consented to electronic service.
18

19 4. Plaintiff's responsive pleading was due within 20 days of service of the first
20 amended counter claim. Because service was completed on April 18, 2006, a responsive
21 pleading was due on May 8, 2006.

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Certificate of service

The undersigned hereby certifies that on this 11th-day of May 2006, a true and correct copy of Declaration in support of application for entry of clerks default was sent via FACSIMILE and FIRST CLASS U.S. MAIL to:

Mark C. Manning
431 West 7th Avenue, Suite 204
Anchorage, AK 99501-3583
Facsimile: 907-278-1169

BIRNBERG & ASSOCIATES

By: s/Cory Birnberg

Cory A. Birnberg

BIRNBERG & ASSOCIATES

CORY A. BIRNBERG

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